

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**CALVIN C. MONTGOMERY,**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,**

**Defendant.**

**No. 10-0356-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Montgomery's motion to suspend payments (Doc. 44).

Montgomery asks the Court "to amend his Judgment and Commitment order to reflect that he is unable to effect any further payments towards the amounts he still owes this Court pursuant to his sentence until such time he is able to be relocated at an institution which allows him to work at and earn at least a UNICOR wage."

Obviously, Montgomery intended to file this motion in his criminal case despite the fact that this motion contains the case number for his 28 U.S.C. § 2255 petition.

Thus, the Court **STRIKES** the motion in this case and **DIRECTS** the Clerk of the Court to file this motion in his criminal case, 06-30071-DRH.

**IT IS SO ORDERED.**

Signed this 5th day of November, 2012.



Digitally signed by

David R. Herndon

Date: 2012.11.05

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**Chief Judge  
United States District Court**